



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF WATER

VIA Electronic Mail

Mr. Benjamin Heard  
Gulf Coast Sequestration (GCS)  
2417 Shell Beach Drive  
Lake Charles, Louisiana 70601

Re: GCS - Limited Consent to Share Confidential Business Information

Dear Mr. Heard,

EPA has developed an Interagency Agreement with the U.S. Department of Energy (DOE) to utilize DOE's National Laboratories for technical assistance related to Underground Injection Control (UIC) Class VI (geologic sequestration) permitting. DOE's National Laboratories have the expertise and historical knowledge to provide technical assistance related to the evaluation of Area of Review (AoR) delineation modeling and geological site characterization data. This knowledge has been developed at DOE through decades of carbon capture, utilization, and storage research and development (R&D) programs.

This letter requests that GCS authorize EPA to share confidential business information provided by GCS or information submitted under a claim of business confidentiality (collectively, "CBI") with the Department of Energy and its agents, as further described herein.

EPA regulations at 40 C.F.R., Part 2, Subpart B, set forth the rules governing EPA's handling of business information, which is or may be entitled to confidential treatment. Among other things, the rules set forth procedures by which EPA may disclose CBI to other federal agencies, which may require notice to the business prior to disclosure. However, pursuant to 40 C.F.R. § 2.209(f), EPA "may disclose any business information to any person if EPA has obtained the prior consent of each affected business to such disclosure."

EPA requests GCS's limited consent pursuant to 40 C.F.R. § 2.209(f), exclusively as described herein, for EPA to share CBI provided by GCS, in connection with the evaluation of UIC Class VI permit applications, with the Department of Energy and its agents, including Department of Energy National Laboratory employees and contractors. GCS's limited consent to this disclosure will apply only to information submitted to EPA by GCS in its UIC Class VI well permit application, including the permit application, verbal communications, supplemental data submitted in response to EPA Requests for Additional Information, and any other information associated with the submitted Class VI application. By providing this limited consent, GCS is not waiving or withdrawing any claim of CBI that it has asserted regarding such information. Further, EPA will continue to protect GCS CBI as specified

in 40 C.F.R. Part 2, Subpart B. GCS's consent will apply solely to the Department of Energy and its agents.

If GCS authorizes disclosure of this information to the Department of Energy and its agents, EPA affirms that it will inform the Department of Energy that the information is entitled to confidential treatment, that further disclosure of the information may be a violation of 18 U.S.C. § 1905, and of EPA's obligations regarding CBI under 40 C.F.R. Part 2, Subpart B. EPA will require the Department of Energy and their agents receiving access to GCS's CBI to affirm, in writing, that it will take appropriate measures to properly safeguard such information and to protect against its improper disclosure, that such information shall only be accessible by Department of Energy staff and contractors on a need-to-know basis, and that such information shall not be subject to public disclosure.

If GCS authorizes limited disclosure to the Department of Energy and its agents in accordance with the above terms, please consent to the disclosure by signing on the line below.

Thank you for your consideration of this request. If you have any questions, do not hesitate to contact me at [brown.jamesr@epa.gov](mailto:brown.jamesr@epa.gov).

Sincerely,

JAMES BROWN

Digitally signed by JAMES  
BROWN  
Date: 2022.06.15 10:25:52  
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James Brown, Chief  
Safe Drinking Water Branch  
EPA Region 6

Agreed and Consented to by:

\_\_\_\_\_  
Signature

Benjamin Heard  
Name

Principal  
Position

On Behalf of GCS

\_\_\_\_\_  
Date